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PATTERN OF CONFERENCES

# Legal basis and experience of all subsidiary bodies that meet away from their established headquarters

## Report of the Secretary-General

1. In paragraph 20 of its resolution 48/222 A of 23 December 1993, the General Assembly requested the Secretary-General to review the legal basis and experience of all subsidiary bodies that meet away from their established headquarters, thus constituting a departure from General Assembly resolution 40/243 of 18 December 1985, and to report thereon to the Assembly at its forty-ninth session through the Committee on Conferences. The present report, which is submitted in response to that request, was prepared on the basis of written replies received from the bodies in question. It is a compilation of the practices of subsidiary bodies that meet away from their established headquarters and their reasons for doing so. The information is summarized in tabular form in the annex. Replies received after the submission of the report will be presented in an addendum to the present report.

## I. SUBSIDIARY BODIES THAT REGULARLY MEET AWAY FROM THEIR ESTABLISHED HEADQUARTERS

2. The subsidiary bodies that meet away from their established headquarters may be categorized as follows:

(a) Exceptions under section I, paragraph 4 (a) to (i), of General Assembly resolution 40/243;

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(b) Exceptions under section I, paragraph 5, of General Assembly resolution 40/243;

(c) Subsidiary bodies of the Economic and Social Council not included under section I, paragraph 4 (e), of General Assembly resolution 40/243;

(d) "Cooperation" meetings convened under General Assembly resolutions between representatives of the Secretariat and of the general secretariats of the bodies concerned;

(e) Subsidiary bodies mandated to carry out field missions;

(f) Subsidiary bodies that have been granted a waiver by the General Assembly on the recommendation of the Committee on Conferences;

(g) Others.

3. In addition, the following treaty bodies meet away from their established headquarters in accordance with their relevant constituent conventions: the Committee on the Elimination of Discrimination against Women; the Human Rights Committee; and the Committee on the Elimination of Racial Discrimination. However, treaty bodies that have been set up pursuant to resolutions or decisions of the General Assembly are not, in fact, subsidiaries of the Assembly and therefore are not included in the present report.

## II. EXCEPTIONS UNDER SECTION I, PARAGRAPH 4 (a) to (i), OF GENERAL ASSEMBLY RESOLUTION 40/243

4. In section I, paragraph 4, of resolution 40/243, the General Assembly reaffirmed the general principle that, in drawing up the schedule of conferences and meetings, United Nations bodies shall plan to meet at their respective established headquarters, with the following exceptions:

(a) The regular sessions of the Governing Council [currently the Executive Board] of the United Nations Development Programme (UNDP) shall be held alternately at United Nations Headquarters and at the United Nations Office at Geneva;

(b) The sessions of the International Law Commission (ILC) shall be held at the United Nations Office at Geneva;

(c) The sessions of the United Nations Commission on International Trade Law (UNCITRAL) may be held, subject to the provision in General Assembly resolution 2205 (XXI), section II, paragraph 6, of 17 December 1966, alternately at United Nations Headquarters and at the United Nations Office at Vienna;

(d) The second regular session of the Economic and Social Council may be held at the United Nations Office at Geneva provided that the closing date falls at least six weeks before the opening of the regular session of the General Assembly;

(e) The functional commissions of the Economic and Social Council shall meet at their established headquarters unless the Council designates another place to achieve a more rational pattern of the work programme, taking into account any recommendation of the commission concerned and in consultation with the Secretary-General [The functional commissions of the Economic and Social Council are as follows: Commission for Social Development; Commission on the Status of Women; Population Commission; Statistical Commission; Commission on Human Rights; Commission on Sustainable Development; Commission on Crime Prevention and Criminal Justice; Commission on Science and Technology for Development; Commission on Narcotic Drugs];

(f) The regular sessions of the Economic and Social Commission for Asia and the Pacific, the Economic Commission for Latin America and the Caribbean, the Economic Commission for Africa and the Economic and Social Commission for Western Asia, as well as meetings of their subsidiary bodies, may be held away from their headquarters when the commission concerned so decides, subject, in the case of regular sessions of the commissions, to the approval of the Economic and Social Council and the General Assembly;

(g) The International Civil Service Commission shall hold its regular annual session at United Nations Headquarters and, if more than one session is required in any one year, may accept an invitation from one of its participating organizations to hold its other session or sessions at the headquarters of that particular organization;

(h) The sessions of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space shall be held alternately at United Nations Headquarters and at the United Nations Office at Geneva;

(i) The Conference on Disarmament shall meet at the United Nations Office at Geneva.

### A. Governing Council (currently the Executive Board) of the United Nations Development Programme

5. The legal basis for the sessions held in Geneva in even years by the governing body of UNDP is the above-mentioned section I, paragraph 4 (a) of General Assembly resolution 40/243.

6. The Governing Council considered the question of venue in 1987, 1989, 1991 and 1992. In its decision 93/40 of 9 June 1993, the Council decided to defer further consideration of the venue of its sessions pending the outcome of the restructuring of the economic and social sectors of the United Nations.

7. The Executive Board of the United Nations Development Programme/United Nations Population Fund, which replaced the Governing Council, was established by the General Assembly, in its resolution 48/162 of 20 December 1993. In paragraph 10 of the report of the Executive Board on the work of its first regular session, the following is noted:

> "The Board agreed to meet at Geneva for the 1994 annual meeting as previously decided by the Governing Council in its decision 93/45 of 17 June 1993. However, it was made clear that the decision to meet at Geneva related only to 1994 and that the decision was taken without prejudice for future discussions of the venue issue." (E/1994/35 (Part I))

8. The venue issue will be considered again in 1995, when the Executive Board begins to elaborate its future rules of procedure. Until new rules have been adopted, the Executive Board will follow the rules of procedure of the Governing Council in those cases where the provisions of General Assembly resolution 48/162 are not sufficient. Rule 1 reads as follows:

> "The Governing Council shall normally meet once a year in a regular session at such times as the Governing Council determines. Unless the Governing Council decides to accept an invitation to meet elsewhere, regular sessions shall be held alternately at United Nations Headquarters and at the Geneva office of the United Nations."

9. Some delegations are clearly in favour of continuing the practice of meeting at Geneva in even years, while others maintain that all sessions should be held at Headquarters. The Secretariat has remained neutral in the discussion, providing only factual information requested by members.

## B. International Law Commission

10. In its resolution 984 (X) of 3 December 1955, the General Assembly decided to amend article 12 of the statute of the International Law Commission (ILC) regarding the place of meeting of the Commission, as follows:

> "The Commission shall sit at the European Office of the United Nations at Geneva. The Commission shall, however, have the right to hold meetings at other places after consultation with the Secretary-General."

11. Section I, paragraph 4 (b), of resolution 40/243 merely reflects the foregoing decision. Any change in the established pattern would therefore require an amendment to the statute of the Commission.

12. It is the Commission's view that several factors make it advisable to maintain the current arrangement. For example, a number of bodies and institutions that are active in fields of interest to the Commission (in particular, humanitarian law, environmental law and human rights) are based in Geneva. Moreover, the library of the Palais des Nations is exceptionally well stocked with legal publications and considerably more diversified linguistically than the Dag Hammarskjöld Library. Furthermore, ILC is composed of experts sitting in a personal capacity, many of whom must combine their responsibilities as members of the Commission with other professional responsibilities during the yearly 12-week session. As the professional base of most of the experts is in Europe, the current venue makes it relatively easy for them to fulfil their dual responsibilities.

## C. United Nations Commission on International Trade Law

13. The alternating pattern of conference venues for the United Nations Commission on International Trade Law (UNCITRAL) was initially laid down in General Assembly resolution 2205 (XXI) of 17 December 1966, by which the Commission was established. That pattern has thus been a regular and familiar feature of the Commission since its inception, which may explain why alternation has not led to disruption or similar adverse consequences. On the contrary, alternation has been regarded as important and advantageous in many respects. During the first decade, the meetings of the Commission and its working groups alternated between New York, where the International Trade Law Branch was located, and Geneva. As Geneva has been the headquarters of such agencies involved in trade and trade-law matters as the United Nations Conference on Trade and Development, the General Agreement on Tariffs and Trade, the International Telecommunication Union and the World Intellectual Property Organization, UNCITRAL meetings in Geneva provided welcome opportunities for important contacts and exchange of information with those agencies.

14. The experience with the alternating pattern clearly changed, and the value of being able to hold every second meeting away from the seat of the substantive secretariat considerably increased, when in 1979 the International Trade Law Branch was transferred from New York to Vienna. Reservations were expressed at that time about the wisdom of the move, lest it jeopardize the hitherto close involvement of the permanent missions in New York. It was therefore considered essential to preserve the alternating pattern of meetings.

15. The continued involvement of the New York missions by virtue of the alternating pattern is of vital importance to the work of UNCITRAL for the following reasons. Representation in UNCITRAL meetings should be as broad as possible, as the Commission's main objective is to elaborate legal texts that are universally acceptable to States of all regions and with different legal and economic systems. Such a task often takes more than five years, which requires the long-term and coordinated involvement of each Government concerned. In view of the special nature of UNCITRAL projects, lawyers are the most suitable participants in such efforts.

16. A survey of the lists of participants in UNCITRAL meetings shows that the representation of States is higher, and that considerably more legal experts from the Permanent Missions participate, in New York than in Vienna. That representation is markedly better as regards the number of representatives listed and even more so in terms of actual presence in the meeting room and active participation. This experience was to be expected, as more States have missions in New York than in Vienna and considerably more missions in New York than in Vienna have a legal expert on their staff.

17. The foregoing findings apply particularly to developing countries, which tend to have missions in New York but not in Vienna. The same is true of those States that cannot afford to send a lawyer-specialist from their capitals but must rely on their mission staff (in New York). Were the traditional and highly beneficial involvement of the New York missions to be terminated, it would clearly endanger the broad participation of developing countries, which probably

constitutes the most distinct hallmark of the process of unification of international trade law carried out by UNCITRAL.

18. Moreover, the fact that more States have missions in New York than in Vienna and the traditional familiarity of New York missions with UNCITRAL matters have in many instances enabled or facilitated useful contacts during the Commission's sessions in New York. Lastly, the fact that the work of UNCITRAL is followed and coordinated predominantly by missions in New York, even now, 15 years after the transfer of the Branch, may be corroborated by the requests made by the great majority of States to receive the originals of notes verbales concerning the Commission at their New York missions, while the Vienna missions receive only copies of those notes.

## D. Economic and Social Council

19. The legal basis for the venue of the annual substantive session of the Economic and Social Council (Geneva in odd years and New York in even years) is found in General Assembly resolution 45/264, annex, paragraph 5 (c):

> "5. The following measures are adopted:
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> "(c) One substantive session of four to five weeks to take place in alternate years in New York and Geneva between May and July".

The provisions of paragraph 5 (c) have thus superseded those of section I of General Assembly resolution 40/243.

## E. Functional commissions of the Economic and Social Council

20. While the functional commissions of the Economic and Social Council are entitled to meet away from their established headquarters in accordance with section I, paragraph 4 (e) of resolution 40/243, none has exercised that entitlement since the adoption of the resolution.

## F. Regional commissions of the Economic and Social Council

21. The regional commissions of the Economic and Social Council regularly meet away from their established headquarters. Such changes of venue have always been, and will continue to be, approved by the Council in a formal decision, in accordance with section I, paragraph 4 (f), of resolution 40/243.

22. The venue of the regular sessions of the Economic Commission for Latin America and the Caribbean, for example, has been rotated among the Commission's member States, taking into account the need to maintain subregional balance. On each occasion, the Commission has reinforced its relation with the host country. In addition, the practice helps to reinforce the Commission's image of universality.

23. As to the Economic Commission for Africa, the practice has always been to hold the regular sessions of the Commission and the meetings of the Technical Preparatory Committee of the Whole at headquarters and to hold them away from headquarters upon the invitation of a member State that has agreed to defray any additional costs involved. The Commission has established the following technical subsidiary bodies, which are governed by the same legislation: the Joint Conference of African Planners, Statisticians, Demographers and Information Scientists; the Intergovernmental Committee of Experts on Science and Technology for Development, converted by resolution 757 (XXVIII) of the Commission into the African Regional Conference for Science and Technology; the United Nations Regional Cartographic Conference; and the African Regional Coordinating Committee for the Integration of Women in Development. Like the Commission, the subsidiary bodies meet at headquarters unless they are invited by a member State.

24. With regard to the venue of meetings of the Economic and Social Commission for Asia and the Pacific (ESCAP), States members of the Commission that have particular interest in its topics or any of the meetings in the revised conference structure may offer to host such meetings away from Bangkok in accordance with section I, paragraph 5, of resolution 40/243. Offers to host ESCAP meetings are invariably considered by the Commission and are accepted by consensus. The Commission records its decision in its annual report, which is submitted to the Economic and Social Council at its regular session for endorsement.

25. ESCAP meetings held away from headquarters receive more publicity and have a stronger impact than those held in Bangkok, as the host country usually has broader access to the media and its own public-relations arm, so as to ensure extensive coverage of the meetings. In most cases, the host country takes a coordinated approach and sets up a national organizing committee that brings together the key ministries involved in the meeting. Moreover, ESCAP sessions and ministerial conferences held away from headquarters tend to draw more participants than meetings in Bangkok, particularly at the senior level, as the Commission usually requests the host-country ministry concerned to extend invitations to the relevant ministries of the other member States, in addition to the formal invitation extended by the Executive Secretary.

26. However, while the Commission endeavours to ensure the most suitable venue, equipment and staff, it is not always possible to achieve that goal. For example, as the host country defrays the full extra cost involved, ESCAP makes an effort to minimize the number of substantive and support staff sent to service the meeting. Thus, although meetings on particular topics will continue to be hosted by member States in future, increasing use will likely be made of the new Conference Centre in Bangkok as the participants come to recognize the importance of the physical environment for the efficiency and effectiveness of the proceedings.

## G. International Civil Service Commission

27. The International Civil Service Commission (ICSC) was established by the General Assembly in its resolution 3357 (XXIX) of 18 December 1974 for the

regulation and coordination of the conditions of service of the United Nations common system. Under article 1, paragraph 2, of its statute, the Commission is called upon to perform its functions in respect of the United Nations and of those specialized agencies and other international organizations which participate in the United Nations common system and which accept the statute of the Commission. Sixteen organizations, including the United Nations, currently participate fully in the work of ICSC. While 14 of those organizations have accepted the statute, two (the General Agreement on Tariffs and Trade and the International Fund for Agricultural Development) have not done so. The participating organizations share in the budget of the Commission. Their headquarters are located in Bern, Geneva, London, Montreal, New York, Paris, Rome and Vienna.

28. In view of the number of participating organizations, as well as the diversity of locations of their staff, whose conditions of service ICSC is mandated to regulate and coordinate, the Commission considered the question of venues for its meetings at its first session, held in May 1975. In that regard, it reported to the General Assembly that it would be desirable, as a matter of practice, that in years in which ICSC held two sessions, one session should be convened at Headquarters and the other at the headquarters of one of the participating organizations, so as to enable the members to familiarize themselves at first hand with conditions at other duty stations and to establish contacts with members of legislative bodies, executive heads and staff of other organizations. The Commission also expressed the view that that practice would reinforce the image of ICSC as being concerned with all the organizations of the United Nations system. It was understood that the convening of sessions away from New York would be dependent upon invitations extended by the executive heads of the other organizations concerned. The Committee on Conferences endorsed the foregoing position of the Commission.

29. At its first session in 1975, ICSC had not determined definitively the pattern of its meetings and the number of sessions required each year. Over the years, however, in accordance with its plans reported to the General Assembly in 1975, it has progressively assumed fully the functions assigned to it under the statute. As a result, the Commission has had to hold a minimum of two sessions each year. Both sessions for 1979, 1981 and 1987 were held in New York. In all other years, except 1986 and 1994, one session was held in New York and the other, at the invitation of one of the other participating organizations of the common system, was convened at one of the headquarters locations in Europe. In 1986 and 1994 the sessions away from New York were held in Nairobi and Bangkok respectively. In 1983, 1989 and 1990, ICSC held special sessions in New York in addition to its two regular sessions.

30. It is the Commission's view that the system of holding one of the two annual sessions away from Headquarters has worked extremely well and has reinforced the image of ICSC as being concerned with the multitude of organizations participating in its work. It should be borne in mind that none of the meetings held away from Headquarters has yet resulted in additional costs to the member States.

## H. Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space

31. As part of the restructuring of the Secretariat as a whole, the secretariat of the Committee on the Peaceful Uses of Outer Space was transferred to Vienna in July 1993. At its session of 1993, the Committee on the Peaceful Uses of Outer Space decided that the meetings of its Legal Subcommittee for 1994 would be held in Vienna and that the future venue of the Subcommittee would be decided on the basis of the experience in 1994.

32. In the meantime, as part of the restructuring, the Secretary-General decided to transfer all functions relating to the Legal Subcommittee from the Office of Legal Affairs to the Office for Outer Space Affairs, which was also relocated to Vienna as part of the restructuring.

33. At its session of 1994, the Committee on the Peaceful Uses of Outer Space decided that the sessions of its Legal Subcommittee would continue to be held in Vienna, where the Subcommittee's secretariat is now located, thus putting an end to the previous practice of alternating the venues between New York and Geneva. Accordingly, the exception under resolution 40/243 will no longer apply to the Legal Subcommittee.

## I. Conference on Disarmament

34. The first multilateral disarmament negotiating forum, the Ten-Nation Committee on Disarmament, established in 1959 as a result of the agreement between the United States of America, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and France, requested the Secretary-General of the United Nations to provide United Nations services and facilities at the European headquarters of the Organization in Geneva and requested that the Committee should begin its work early in 1960 in Geneva. Subsequent disarmament negotiating forums, i.e. the Eighteen-Nation Committee on Disarmament, the Conference of the Committee on Disarmament, the Committee on Disarmament and the current Conference on Disarmament, have therefore continued to meet in Geneva. Moreover, the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, (resolution S-10/2, para. 120) stipulated that the Committee on Disarmament (now the Conference on Disarmament) would continue to be convened in Geneva. Since then, the Conference on Disarmament has always met in Geneva.

# III. EXCEPTIONS UNDER SECTION I, PARAGRAPH 5, OF GENERAL ASSEMBLY RESOLUTION 40/243

35. In section I, paragraph 5, of its resolution 40/243, the General Assembly decided that United Nations bodies might hold sessions away from their established headquarters when a Government issuing an invitation for a session to be held within its territory had agreed to defray, after consultation with the Secretary-General as to their nature and possible extent, the actual additional costs directly or indirectly involved. Such bodies have not been included in the review, as they constitute ad hoc exceptions.

## IV. SUBSIDIARY BODIES OF THE ECONOMIC AND SOCIAL COUNCIL OTHER THAN FUNCTIONAL AND REGIONAL COMMISSIONS

36. In addition to the functional and regional commissions of the Economic and Social Council referred to in section II, whose sessions away from their established headquarters are mandated under resolutions of the General Assembly, some subsidiary bodies of the Council regularly meet away from headquarters without an explicit waiver. These bodies include the United Nations Group of Experts on Geographical Names, the Ad Hoc Group of Experts on International Cooperation in Tax Matters, the Meeting of Experts on the United Nations Programme in Public Administration and Finance, the Statistical Commission's Working Group on International Statistical Programmes and Coordination, the Committee for Development Planning - Working Group, and the Commission on Narcotic Drugs - Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East.

### A. Ad Hoc Group of Experts on International Cooperation in Tax Matters; United Nations Group of Experts on Geographical Names; Meeting of Experts on the United Nations Programme in Public Administration and Finance; Statistical Commission - Working Group on International Statistical Programmes and Coordination

37. The meetings of the Ad Hoc Group of Experts on International Cooperation in Tax Matters are regularly convened in Geneva, rather than in New York, for reasons of convenience and cost-effectiveness. As its sessions are convened in December, the Group would have to compete for services at Headquarters during the regular session of the General Assembly. Moreover, most of the Group's members are based in Geneva. Similar reasons apply to the United Nations Group of Experts on Geographical Names, the Meeting of Experts on the United Nations Programme in Public Administration and Finance and the Statistical Commission's Working Group on International Statistical Programmes and Coordination.

### B. Committee for Development Planning - Working Group

38. The Committee for Development Planning has held 29 plenary sessions since 1966. From 1967 to 1974, five of those sessions were held at other United Nations duty stations at the request of another United Nations body, as follows: Santiago (Economic Commission for Latin America and the Caribbean), 1967; Addis Ababa (Economic Commission for Africa), 1968; Geneva (Economic Commission for Europe), 1971; Geneva (International Labour Organization), 1972; Vienna (United Nations Industrial Development Organization), 1974. With the exception of its second session (1967), for which a statement of financial implications was prepared, the expenses of such sessions were accommodated within the regular budget. In 1992, a plenary session was held in Kuwait at the invitation of the Government of Kuwait and the Arab Fund for Economic and Social Development. In this most recent case, all of the requirements laid down in resolution 40/243 were met. In the case of the other five sessions, the Committee proposed its meeting arrangements in a relevant chapter of its report to the Economic and Social Council for the preceding year. The fact that the Council took note of

the Committee's report, and that no objections were subsequently raised either in the Council or in the General Assembly, was considered at that time to constitute a sufficient legal basis.

39. The Committee began to use working groups to prepare for its plenary sessions in 1970. In preparing for its seventh to twentieth sessions (1971-1994), 39 working-group meetings were held, as follows: 21 in New York; 12 in Geneva; and 6 at the duty stations of the regional commissions. As was the case with the venues away from Headquarters for the plenary sessions, the Committee proposed its working-group arrangements in its annual reports to the Council. In doing so, the Committee chose the venues for the working-group meetings, in view of the additional expertise that would be made available to the working groups by the secretariats of the United Nations bodies based at those duty stations. Moreover, the biennial budgets explicitly provided for the small additional costs for staff travel entailed by holding working-group meetings at venues other than United Nations Headquarters.

40. The long-standing practice of the Committee for Development Planning to hold its working-group meetings frequently, and its plenary sessions occasionally, away from Headquarters has, in the view of the Committee, contributed to the high quality of the analysis contained in its reports to the Economic and Social Council. The legal basis for this practice, as stated by the Committee, has been the prior notification to the Council of its proposed meeting arrangements and the biennial review of the budget for the Committee's work, in which provision has routinely been made for such arrangements.

### C. Commission on Narcotic Drugs - Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East

41. In paragraph 6 of its resolution 6 (XXV) of January/February 1973, entitled "Establishment of a subcommission on illicit traffic in the Near and Middle East", endorsed by the Economic and Social Council in its resolution 1776 (LIV) of 18 May 1973, the Commission on Narcotic Drugs decided that

> "meetings of the subcommission and its working groups shall be held in Geneva or in the territory of the States of the region members of the subcommission ..."

The practice of the Subcommission until 1992 was to meet once a year, when possible, in the capital of one of the countries of the region and to convene another meeting the week prior to the meeting of the Commission, in Geneva or, later, in Vienna.

42. In paragraph 4 of its resolution 1992/28 of 30 July 1992, the Economic and Social Council decided that in future the Subcommission should, in principle, meet annually for a period of five days in one of the countries covered by the region of the Subcommission.

43. In recent years, meetings of the Subcommission have been held in the region (Ankara in 1990, Tehran in 1991 and Damascus in 1994). It is the view of the

Subcommission and the Commission that such regional meetings are highly useful in enabling regional and subregional coordination among national operational agencies involved in drug-trafficking countermeasures. The recommendations adopted by the Subcommission are usually addressed to, and intended for, implementation by the Governments of the region. At the following meeting, those Governments report on the steps taken, and the Commission regularly monitors such implementation.

44. A letter of agreement between a Government hosting a meeting of the Subcommission and the United Nations is signed prior to each meeting, in particular with a view to implementing the provisions of section I, paragraph 5, of resolution 40/243, as applicable. Such letters are prepared by the United Nations International Drug Control Programme and cleared by the representatives of the offices of Legal Affairs, Financial Services and Conference Services at the United Nations Office at Vienna.

## V. "COOPERATION" MEETINGS BETWEEN REPRESENTATIVES OF THE SECRETARIAT AND OF THE GENERAL SECRETARIAT OF THE BODIES CONCERNED

45. While they are not technically subsidiary bodies, it should be noted that "cooperation" meetings are regularly convened under General Assembly resolutions between representatives of the Secretariat and of the general secretariats of the following bodies: League of Arab States; Organization of African Unity; Organization of American States; Organization of the Islamic Conference; Latin American Economic System.

### A. League of Arab States

46. The legal basis for convening cooperation meetings between representatives of the United Nations and the League of Arab States is provided by annual General Assembly resolutions on the subject, the most recent of which is resolution 48/21 of 22 November 1993. In the preamble to that resolution, the General Assembly welcomed the general meeting between the representatives of the Secretariat of the United Nations and the General Secretariat of the League of Arab States and their specialized agencies, held at Geneva from 26 to 31 August 1993. That meeting had been recommended in paragraph 11 of resolution 47/12 of 29 October 1992. Thus, by virtue of a mandate of the General Assembly, meetings between the United Nations and the League of Arab States have traditionally been held away from Headquarters since the inception of cooperation between the two organizations.

### B. Organization of African Unity

47. The first meeting between representatives of the Secretariat of the United Nations and the general secretariat of the Organization of African Unity (OAU) was held in Nairobi from 5 to 7 June 1980 pursuant to General Assembly resolution 34/21 of 9 November 1979. The secretariats of the two organizations

have since held nine additional meetings authorized by the General Assembly - four in Addis Ababa, two each in New York and in Geneva, and one in Nairobi.

48. In all cases, the venue for the meeting is agreed upon after consultations between the two organizations. The Assembly, in each of the resolutions it adopted on the item, endorsed the agreement reached between the two organizations on the convening of the meeting and on the venue. In paragraph 20 of its resolution 48/25 of 29 November 1993, the most recent resolution on the subject, the General Assembly endorsed the agreement reached between the organizations of the United Nations system and OAU on the convening of a meeting between their secretariats, to be held at Addis Ababa in 1994.

49. No particular difficulties have been experienced when these meetings were held away from Headquarters. The meeting and servicing facilities provided by the United Nations centres at those venues were more than adequate, and the level of participation has remained largely the same irrespective of the venue.

### C. Organization of the Islamic Conference

50. The legal basis for convening cooperation meetings in Geneva between representatives of the United Nations and the Organization of the Islamic Conference is provided by annual General Assembly resolutions on the subject. For example, in paragraph 6 of its resolution 48/24 of 24 November 1993, the most recent resolution on the subject, the Assembly recommended that a general meeting between representatives of the secretariats of the United Nations system and the Organization of the Islamic Conference and its specialized institutions be organized at Geneva in May 1994. Thus, by virtue of a mandate of the General Assembly, meetings between representatives of the United Nations and the Organization of the Islamic Conference have traditionally been held away from Headquarters since the inception of cooperation between the two organizations.

## VI. SUBSIDIARY BODIES MANDATED TO CARRY OUT FIELD MISSIONS

51. The following subsidiary bodies, which are mandated to carry out field missions, meet away from their established headquarters: the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories; and two subsidiary bodies of the Commission on Human Rights: the Working Group on Enforced or Involuntary Disappearances and the Ad Hoc Working Group of Experts on Southern Africa. The three groups are human-rights fact-finding bodies whose tasks are essentially geared to the collection of reliable information on violations of human rights, be it issue-oriented or on a country-by-country basis. As their activity consists primarily in the hearing of victims of, and witnesses to, violations, the meetings of the three bodies cannot take place exclusively in Geneva. Indeed, the resolutions which establish their mandates, taking account of that fact, specifically request these mechanisms to seek information in the countries concerned and invite Governments to cooperate with the bodies in question. Moreover, it should be noted that funds have been made available to that end in the budget of the Centre for Human Rights.

52. As to the Special Committee, it should be recalled that, since its establishment in 1968, that body has consistently been denied access to the territories covered by its mandate, namely, the occupied Syrian Arab Golan, the West Bank (including East Jerusalem) and the Gaza Strip, despite repeated efforts to obtain the cooperation of the Government of Israel in that regard. In order to fulfil its mandate, the Special Committee, not having direct access to the occupied territories, has been compelled to collect information concerning the situation of human rights in the occupied territories during visits to neighbouring States (Egypt, Jordan and the Syrian Arab Republic) from persons having recent, first-hand experience with the human rights situation in those territories. That state of affairs has been explained for the past 25 years to the General Assembly, which has annually made available the necessary financial provisions. As the Special Committee submits two periodic reports and one annual report each year to the General Assembly, it is required to examine and adopt its second periodic report in the course of its field mission to the three aforementioned countries.

53. With regard to the Ad Hoc Working Group of Experts, which was established by Commission on Human Rights resolution 2 (XXIII) of 6 March 1967, it has been the Working Group's practice to travel to the front-line States to collect information regarding violations of human rights, because the principal liberation movements (the African National Congress and the Pan Africanist Congress of Azania) were based there. Moreover, numerous victims of the apartheid regime who escaped to the front-line States were more readily available to furnish testimonies required for the Working Group.

54. In February 1994 the Government of South Africa acceded the repeated requests of the Commission on Human Rights regarding a visit by the Working Group to South Africa, a fact that was welcomed by the Commission in its resolution 1994/10, paragraph 27. The Working Group will therefore conduct a field mission to South Africa later this year in order to hear testimonies based largely on the first-hand knowledge of individuals and various human rights organizations with regard to the current human rights situation. The fact-finding mission will be the basis on which the Working Group will prepare its preliminary report to the General Assembly at its next session and its final report to the Commission on Human Rights in early 1995.

55. Regarding the Working Group on Enforced or Involuntary Disappearances, since its inception in 1980 that body has usually held one meeting a year in New York (except in 1985 and 1986) with a view to enabling victims and organizations from the western hemisphere, who would not be able to travel to Geneva, to meet with the Working Group. The additional cost of holding a session in New York concerns Secretariat staff only, as the travel expenses incurred by the experts from four different continents would have to be defrayed in any case.

56. One meeting of the Working Group was held in San Jose, Costa Rica, and one in Buenos Aires, Argentina, in 1984 and 1985 respectively. Those meetings took place at the request of the Working Group, which sought to establish more direct contacts with Governments, relatives and relatives' organizations in the region. Indeed, the presence of the Working Group in the region made it possible for many organizations to bring their grievances directly before it and to provide testimonies and oral case descriptions. A record number of meetings with

individual relatives and witnesses was held at those sessions, which facilitated the Working Group's understanding of the specific aspects of each country's situation and enabled it more effectively to appreciate the reliability of the information placed before it and to learn in considerable detail about the efforts made and difficulties encountered by relatives in the search for their missing family members.

## VII. SUBSIDIARY BODIES WITH WAIVERS GRANTED BY THE GENERAL ASSEMBLY ON THE RECOMMENDATION OF THE COMMITTEE ON CONFERENCES

57. The following subsidiary bodies have been granted a waiver to the established headquarters principle by the General Assembly on the recommendation of the Committee on Conferences: the Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa; the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change; the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II); and the Committee on the Exercise of the Inalienable Rights of the Palestinian People (seminars and symposia).

### A. Committee on the Exercise of the Inalienable Rights of the Palestinian People - seminars and symposia

58. In pursuance of its mandate, the Committee on the Exercise of the Inalienable Rights of the Palestinian People has continued to convene seminars, symposia for non-governmental organizations (NGOs) and international meetings for such organizations at Headquarters and in the various regions. The purpose of those activities has been to raise international awareness of the facts relating to the question of Palestine and to promote support for the peace process and the mobilization of international assistance to the Palestinian people.

59. Invitations to those activities are extended to all Governments, United Nations organs and specialized agencies and international and non-governmental organizations. In addition, experts from all regions of the world are invited to make presentations. These forums, with the participation of political figures, academicians, activists from non-governmental organizations and media representatives, therefore provide arenas for dialogue and the development of strategies to help the Palestinian people achieve its inalienable rights. Seminars and NGO symposia held outside established United Nations headquarters attract significant media attendance from the respective host countries and in the region as a whole, thus contributing to better public awareness of the issue. Governments in the respective regions are actively involved in the deliberations of the seminars, often suggesting specific action to improve the situation in the occupied Palestinian territories. The Committee intends to continue the programme in the light of the new situation in the territories and believes that, in the period ahead, such meetings can provide a useful mechanism for in-depth consideration of the most important issues related to the

transition of powers and for promoting international support for the full implementation of the agreements reached and for the process of nation building. Attention will be paid to structuring the format of the meetings for maximum usefulness, including the possibility of co-sponsoring them with academic institutions, NGOs and other organizations.

## VIII. OTHERS

60. The following subsidiary bodies also meet away from their established headquarters: Administrative Committee on Coordination; United Nations Administrative Tribunal; United Nations Joint Staff Pension Board and its Standing Committee and Committee of Actuaries; Investments Committee; Advisory Committee on Administrative and Budgetary Questions; Board of Auditors and Panel of External Auditors of the United Nations, Specialized Agencies and the International Atomic Energy Agency; Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee of 24).

### A. Administrative Committee on Coordination

61. Practically since its inception, the Administrative Committee on Coordination has convened two sessions a year. The spring session is held at the headquarters of one of the specialized agencies located in Europe, where a majority of the organizations participating in the Committee have their headquarters. The host organization meets the cost of the session at its headquarters. The fall session is held at United Nations Headquarters. That practice has proved to be convenient and economical.

### B. United Nations Administrative Tribunal

62. It is the view of the Administrative Tribunal that, while its secretariat (the Executive Secretary and other administrative staff) is part of the Office of Legal Affairs and has therefore been stationed at Headquarters since the establishment of the Tribunal in 1950, there is no established headquarters for the Tribunal itself. Thus, in the Tribunal's view, resolution 40/243 does not apply.

63. Under article 4 of the statute of the Tribunal,

> "The Tribunal shall hold ordinary sessions at dates to be fixed by its rules, subject to there being cases on its list which, in the opinion of the President, justify holding the session. Extraordinary sessions may be convoked by the President when required by the cases on the list."

64. Article 6, paragraph 2, of the rules of the Tribunal provides that:

> "In conformity with article 4 of the statute, the Tribunal shall hold ordinary sessions for the purpose of considering cases. An ordinary session of the Tribunal shall be held each year during the period of the

plenary session and in the second quarter of the year. Ordinary sessions shall only be held subject to there being cases on the list which by their number or urgency justify, in the opinion of the President, the holding of the session. The decision of the President with respect to the opening of the ordinary sessions shall be communicated to the members of the Tribunal at least thirty days before the convening thereof."

65. Under article 5, paragraph 4, of the rules of the Tribunal,

"The plenary sessions of the Tribunal shall be held at the Headquarters of the United Nations, except that the President may, if circumstances require, fix a different place after consultation with the Executive Secretary."

66. In accordance with those provisions, it has been the practice of the Tribunal, since its establishment in 1950, to meet in Geneva in the spring and at Headquarters in the fall. In 1986 an extraordinary session was held at the headquarters of the International Maritime Organization in London.

### C. United Nations Joint Staff Pension Board, Standing Committee and Committee of Actuaries

67. The United Nations Joint Staff Pension Fund is an inter-agency entity established by the General Assembly to provide retirement and related benefits for the staff of the United Nations and the other member organizations of the Fund, which now number 15. Its administration is supervised by the tripartite United Nations Joint Staff Pension Board, on which the Governing Bodies, the Executive Heads and the Pension Fund participants of the Fund's major organizations are equally represented. The United Nations has a total of 12 seats on the 33-member Pension Board, four of which are allocated to representatives of the General Assembly. The Pension Board reports to the General Assembly.

68. The Regulations of the Pension Fund, as adopted by the General Assembly, do not establish any headquarters locations for the Pension Fund, the Pension Board, the Standing Committee of the Pension Board or the Committee of Actuaries. Since the inception of the Fund in 1949, those bodies have held their meetings at the headquarters or regional offices of member organizations of the Fund on a quasi-rotational basis. However, although that practice was well known according to the Fund (in fact, the General Assembly has always had seats on the Pension Board and its Standing Committee), resolution 40/243 made no reference to the Pension Board, its Standing Committee or the Committee of Actuaries in the list of designated exceptions to the headquarters rule. It therefore appears certain, in the view of the Fund, that the 1985 Assembly resolution was not intended to apply to the Pension Board, which, as an inter-agency body, has no established headquarters. Moreover, the Fund believes that that conclusion is reinforced by the fact that until very recently the Committee on Conferences had not even considered the venue of meetings of the Pension Board and its related subsidiary organs. Furthermore, under the rules of procedure of the Pension Fund, the time and place for meetings of the Pension

Board and the Standing Committee are decided by those entities, and the same rule applies by analogy to the Committee of Actuaries.

69. Meetings of the Pension Board, the Standing Committee and the Committee of Actuaries are usually hosted by member organizations of the Pension Fund, not by Governments. In fact, the last meeting hosted by a Government was the Standing Committee meeting held in Cyprus in 1982. Consequently there has been no occasion to invoke the procedure envisaged in section I, paragraph 5, of resolution 40/243, which was adopted in 1985.

## D. Investments Committee

70. The mandate of the Investments Committee is to advise the Secretary-General on matters related to the investment of the assets of the United Nations Joint Staff Pension Fund. It usually meets four or five times a year for one day. One of the meetings is held in conjunction with the meetings of the United Nations Joint Staff Pension Board. The meetings of the Committee are usually held in New York except for the meeting with the Pension Board, which is held wherever the Board convenes. The meetings do not require any servicing from the Office of Conference Services other than the assignment of a conference room. All documentation and discussions are in English.

71. It has been a tradition for a member of the Investments Committee to host one of its meetings. All expenses pertaining to the conference room, meeting equipment, lunch and other necessities are always met by the host at no cost to the United Nations. In the recent past, the Committee has met in Frankfurt, Tokyo, New Delhi and Warsaw.

72. The staff of the Investment Management Service (IMS) always carry out cost comparisons of meetings in New York and away from Headquarters. In most cases the cost of holding meetings outside New York is lower. The expenses incurred when IMS staff service the meetings are borne by the Pension Fund. As in the case of the members of the Committee, the staff usually combine their travels with visits in the region for the purpose of reviewing investment opportunities.

## E. Advisory Committee on Administrative and Budgetary Questions

73. The Advisory Committee on Administrative and Budgetary Questions was established by the General Assembly in its resolution 14 (I) A of 13 February 1946. Its functions were laid down in that resolution and set out also in rule 157 of the rules of procedure of the General Assembly.

74. By part II, paragraph 2, of its resolution 1437 (XIV) of 5 December 1959, the General Assembly authorized the Advisory Committee

> "in fulfilment of its functions under rule 158 [now rule 157] of the rules of procedure of the General Assembly, to meet as it deems necessary and appropriate at the various offices of the United Nations and at the headquarters of the specialized agencies and the International Atomic

Energy Agency, and at the request of those agencies, to advise them on administrative and financial matters".

75. In paragraph 21 of its resolution 48/222 A of 23 December 1993, the General Assembly requested the Advisory Committee, when deciding upon its meeting schedule, including meetings away from Headquarters, to take into account the programme of work of the Fifth Committee of the General Assembly.

76. In reply to a query regarding the legal basis for the Advisory Committee's meetings away from Headquarters, the Office of Legal Affairs pointed out the following. Legislative texts, pursuant to the established rules of international law interpreting treaty texts, should be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the text in their context and in the light of its objects and purpose. 1/ Moreover, for the purpose of interpreting the text, there shall be taken into account, together with the context, any subsequent practice in the application of the text which establishes the interpretation to be given. 2/

77. The Office of Legal Affairs further stated that it should first be noted that the General Assembly, in its resolution 40/243, referred to a "general" principle. Exceptions are provided. In practice, since 1985, the Advisory Committee has continued to meet outside New York, along the lines authorized by the Assembly in its resolution 1437 (XIV). The Secretary-General has prepared his proposals for programme budgets on the same basis.

78. In addition, the Office of Legal Affairs noted that the first budget adopted following the adoption of resolution 40/243 continued to provide for the travel of the Advisory Committee outside Headquarters. The resolution approving that budget was adopted on 18 December 1985. Subsequent budgets have continued to provide for the visits of the Advisory Committee to United Nations offices abroad and to the offices of the specialized agencies. Indeed, at its forty-eighth session, the General Assembly had before it a report of the Advisory Committee that described its visits outside Headquarters. In its resolution 47/219 of 23 December 1992, the Assembly took note of that report with appreciation.

79. It should also be noted that all the resolutions referred to have emanated from the same Main Committee (the Fifth Committee) of the General Assembly. In the view of the Office of Legal Affairs, if the Fifth Committee and the General Assembly had viewed the Advisory Committee's practice as being in violation of the general principle contained in resolution 40/243, those bodies would not have authorized its continued visits outside Headquarters. Given the subsequent practice of the Assembly, by adopting resolution 40/243, the Assembly did not intend to bar the Advisory Committee from visiting offices outside Headquarters, a practice that has been maintained since the authorization of such visits by the Assembly in resolution 1437 (XIV).

### F. Board of Auditors and Panel of External Auditors of the United Nations, Specialized Agencies and the International Atomic Energy Agency

80. As inter-agency bodies, the Board of Auditors and Panel of External Auditors of the United Nations, Specialized Agencies and the International Atomic Energy Agency do not in fact have an established headquarters. In accordance with part I, paragraphs 1 and 2, of its rules of procedure, the Board of Auditors shall convene annually at Headquarters in June and may convene at such other times and places as may be necessary for the due performance of the duties of the Board at the request of the Chairman or any member of the Board.

81. Another session of the Board is usually held immediately after the Panel's session. That pattern is advantageous in view of the interrelationship between the Board's agenda and the items for consideration by the Panel and, as the members of the Board are also members of the Panel, additional travel costs are avoided.

### G. Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

82. By paragraph 6 of its resolution 1654 (XVI) of 27 November 1961, the General Assembly authorized the Special Committee of 24 to meet elsewhere than at Headquarters whenever and wherever such meetings might be required for the effective discharge of its functions. By paragraph 3 (9) (c) of the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 2621 (XXV) of 12 October 1970, the Assembly directed the Special Committee to continue to hold meetings away from Headquarters as appropriate. Since 1961, the Special Committee has considered the matter and made recommendations to the General Assembly.

## IX. CONCLUSIONS

83. In section I, paragraph 4, of its resolution 40/243 A of 18 December 1985, the General Assembly reaffirmed the general principle that United Nations bodies shall plan to meet at their respective established headquarters. Exceptions to that principle are laid down in subparagraphs (a)-(i) and in paragraph 5 of section I of the same resolution.

84. While there is broad compliance with the provisions of the resolution, there have been developments since its adoption that suggest that other cases for waiver may exist. For example, meetings are also convened away from headquarters by certain subsidiary bodies of the Economic and Social Council, "cooperation" meetings, bodies mandated to carry out field missions, certain bodies that have been granted waivers by the General Assembly and other bodies, which are not included among the exceptions referred to. Several of those bodies report that they are governed by constituent or subsequent legislation or

rules of procedure that would appear to constitute grounds for exemption under resolution 40/243.

85. It should be noted that, in its resolution 40/243, the General Assembly was reaffirming, in its own words, a "general principle", thus providing the possibility of broadening the scope of the resolution. The Assembly, taking into account the information provided by the subsidiary bodies that were queried, may wish to review, on a case-by-case basis, all subsidiary bodies that meet away from their established headquarters without an explicit waiver and to amend resolution 40/243 so as to reflect the new developments referred to, with a view to authorizing qualifying bodies to meet away from their established headquarters.

## Notes

1/ See article 31 (1) of the 1969 Vienna Convention on the Law of Treaties.

2/ Ibid., article 31 (3).

ANNEX

Subsidiary bodies that meet away from their established headquarters

I. Exceptions under section I, paragraph 4 (a)-(i) of General Assembly resolution 40/243

| | Body | Legal basis | Experience |
|---|---|---|---|
| A. | Executive Board of UNDP/UNFPA | Resolution 40/243, sect. I, para. 4 (a) | Under the rules of procedure of the former Governing Council, unless the Council decides to accept an invitation to meet elsewhere, regular sessions shall be held alternately at Headquarters and at Geneva. While the Board agreed to meet at Geneva for the 1994 annual meeting, the venue issue will be considered again in 1995 when the Board begins to elaborate its future rules of procedure. |
| B. | International Law Commission | Resolution 984 (X); resolution 40/243, sect. I, para. 4 (b) | Numerous bodies and institutions active in fields of interest to ILC are based in Geneva; availability of specialized publications and library and of members. |
| C. | United Nations Commission on International Trade Law | Resolution 2205 (XXI); resolution 40/243, sect. I, para. 4 (c) | Representation (particularly from developing countries) is higher, and more legal experts from the Permanent Missions participate, in New York than in Vienna. Such involvement is of vital importance to the Commission's work. |
| D. | Economic and Social Council | Resolution 40/243, para. 4 (d); resolution 45/264, annex, para. 5 (c) | Alternating venue of single substantive session since adoption of resolution 45/264. |
| E. | Functional commissions of the Economic and Social Council | Resolution 40/243, sect. I, para. 4 (e) | The commissions have not met away from their headquarters since the adoption of resolution 40/243. |
| F. | Regional commissions of the Economic and Social Council | Resolution 40/243, sect. I, para. 4 (f) | Rotating venue makes it possible to maintain subregional balance and reinforce relations with the host country. Greater publicity and impact. |

/...

| | Body | Legal basis | Experience |
|---|---|---|---|
| G. | International Civil Service Commission | Resolution 40/243, sect. I, para. 4 (g) | Alternate venue enables members to familiarize themselves with conditions at other duty stations and to establish contacts with members of legislative bodies, executive heads and staff of other organizations. It has reinforced the image of ICSC as being concerned with the multitude of organizations participating in its work. |
| H. | Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space | Resolution 40/243, sect. I, para. 4 (h) | At its session of 1994, the Committee on the Peaceful Uses of Outer Space decided that the sessions of its Legal Subcommittee would continue to be held in Vienna, where its secretariat is now located. The exception under resolution 40/243 no longer applies. |
| I. | Conference on Disarmament | Resolution 40/243, sect. I, para. 4 (i) | The Conference on Disarmament has met at Geneva since its inception. |

II. Subsidiary bodies of the Economic and Social Council other than functional and regional commissions

| | Body | Legal basis | Experience |
|---|---|---|---|
| A. | Ad Hoc Group of Experts on International Cooperation in Tax Matters; United Nations Group of Experts on Geographical Names; Meeting of Experts on the United Nations Programme in Public Administration and Finance; Statistical Commission - Working Group on International Statistical Programmes and Coordination | | As sessions are convened in the period September-December, they would have to compete for services at Headquarters during the General Assembly. |

| | Body | Legal basis | Experience |
|---|---|---|---|
| B. | Committee for Development Planning - Working Group | Prior notification to the Economic and Social Council of its proposed meeting arrangements and the biennial review of the budget for the Committee's work, in which provision has routinely been made for such arrangements | The practice has contributed to the high quality of the analysis contained in its reports to the Council. Increased availability of specialized expertise at duty stations away from Headquarters. |
| C. | Commission on Narcotic Drugs - Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East | Commission resolution 6 (XXV), para. 6, endorsed by Economic and Social Council resolution 1776 (LIV); Council resolution 1992/28, para. 4 | In recent years, meetings of the Subcommission have been held in the region. Such meetings are highly useful to enable regional and subregional coordination among national operational agencies involved in drug-trafficking countermeasures. Recommendations adopted by the Subcommission are usually addressed to, and intended for, implementation by the Governments of the region. Those Governments report on the steps taken at the following meeting, and the Commission regularly monitors such implementation. |

III. "Cooperation" meetings between representatives of the Secretariat and of the general secretariats of the bodies concerned

| | Body | Legal basis | Experience |
|---|---|---|---|
| A. | League of Arab States | Annual General Assembly resolutions (e.g., resolution 48/21) | By virtue of a mandate of the General Assembly, meetings between the United Nations and the League have traditionally been held away from Headquarters since the inception of cooperation between the two organizations. |
| B. | Organization of African Unity | Annual General Assembly resolutions (e.g., resolution 48/25) | The venue for meetings is agreed upon the following consultations between the two organizations |

| | Body | Legal basis | Experience |
|---|---|---|---|
| C. | Organization of the Islamic Conference | Annual General Assembly resolutions (e.g., resolution 48/24) | By virtue of a mandate of the General Assembly, meetings between the United Nations and the Organization of the Islamic Conference have traditionally been held away from Headquarters since the inception of cooperation between the two organizations. |

IV. Subsidiary bodies mandated to carry out field missions

| Body | Legal basis | Experience |
|---|---|---|
| Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories; Commission on Human Rights - Working Group on Enforced or Involuntary Disappearances; Ad Hoc Working Group of Experts on Southern Africa | The resolutions establishing their mandates specifically request these human rights fact-finding bodies to seek information in the countries concerned and invite Governments to cooperate with the bodies in question | Meeting away enables the bodies to collect reliable information on violations of human rights. As their activity consists primarily in the hearing of victims and witnesses, meetings cannot take place exclusively in Geneva. |

V. Subsidiary bodies with waivers granted by the General Assembly on the recommendation of the Committee on Conferences

| | Body | Legal basis | Experience |
|---|---|---|---|
| A. | Committee on the Exercise of the Inalienable Rights of the Palestinian People | Resolution 3376 (XXX) | The seminars, symposia and meetings held away from Headquarters help to raise international awareness of the facts relating to the question of Palestine and to promote support for the peace process and the mobilization of international assistance to the Palestinian people. |



/...

| | Body | Legal basis | Experience |
|---|---|---|---|
| B. | Intergovernmental Negotiating Committee to elaborate a convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa | Resolution 47/188 | Sessions have been held in New York, Geneva and Nairobi. |
| C. | Intergovernmental Negotiating Committee for a Framework Convention on Climate Change | Resolution 46/169 | Sessions have been held in New York and Geneva. |
| D. | Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II) | Resolution 47/180 | Sessions have been held in New York and Geneva, and one is scheduled for Nairobi in 1995. |

VI. Others

| | Body | Legal basis | Experience |
|---|---|---|---|
| A. | Administrative Committee on Coordination | | Practically since its inception, the Committee has convened two sessions a year, including one at one of the specialized agencies located in Europe, where a majority of the organizations participating in the Committee have their headquarters. |
| B. | United Nations Administrative Tribunal | Article 4 of the statute of the Tribunal; art. 5, para. 4, and art. 6, para. 2, of the rules of the Tribunal | It is the view of the Tribunal that, while its secretariat is part of the Office of Legal Affairs, there is no established headquarters for the Tribunal itself. It has been the practice of the Tribunal, since its establishment in 1950, to meet at Geneva in the spring and at Headquarters in the fall. |

| | Body | Legal basis | Experience |
|---|---|---|---|
| C. | United Nations Joint Staff Pension Board, Standing Committee and Committee of Actuaries | The Regulations of the Pension Fund, as adopted by the General Assembly, do not establish any headquarters locations for the Pension Fund, the Pension Board, the Standing Committee or the Committee of Actuaries. The Pension Fund maintains that, as an inter-agency body, it has no established headquarters | Since the inception of the Fund in 1949, these bodies have held their meetings at the headquarters or regional offices of member organizations of the Fund on a quasi-rotational basis. Their meetings are usually hosted by member organizations of the Fund, not by Governments. |
| D. | Investments Committee | | Meets four or five times a year for one day. One of the meetings is held in conjunction with the meetings of the United Nations Joint Staff Pension Board. The meetings of the Committee are usually held in New York except for the meeting with the Pension Board, in which case the meeting is held wherever the Board convenes. No conference-servicing is required. Traditionally, a member of the Committee hosts one of its meetings. Expenses pertaining to the conference room, meeting equipment, lunch and other necessities are met by the host at no cost to the United Nations. In most cases, the cost of holding meetings outside New York is lower. Travel to meetings is usually combined with visits in the region to review investment opportunities. |

| | Body | Legal basis | Experience |
|---|---|---|---|
| E. | Advisory Committee on Administrative and Budgetary Questions | General Assembly resolution 14 (I) A; rule 157 of the rules of procedure of the General Assembly; sect. II, para. 2, of resolution 1437 (XIV); provision has continually been made in budgets for the travel of the Advisory Committee outside Headquarters to United Nations offices abroad and to the offices of the specialized agencies | The Advisory Committee has been visiting offices outside Headquarters since the authorization of such visits by the General Assembly in its resolution 1437 (XIV). |
| F. | Board of Auditors and Panel of External Auditors of the United Nations, Specialized Agencies and the International Atomic Energy Agency | Part I, paras. 1 and 2 of its rules of procedure | Regularly convenes at the headquarters of United Nations-system organizations. |
| G. | Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples | General Assembly resolution 1654 (XVI); para. 3 (9) (c) of the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 2621 (XXV) | Meets away from Headquarters whenever and wherever such meetings might be required for the effective discharge of its functions. Since 1961, the Special Committee has considered the matter and made recommendations to the General Assembly. |